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17 December 1959

MEMORANDUM FOR THE RECORD

SUBJECT: Operational Meeting with Mr. Constantine Mierlak

1. A personal meeting was held by [] (?) and the undersigned with Subject on 16 December 1958, between the hours of 1600 and 1815, in the Fleetwood Restaurant, 11 Trinity St., New York City, N. Y.

2. Prior to the meeting with Subject, a meeting was held by [] and the undersigned with [] of the Office of O/O. Mr. Barnard is the O/O representative in contact with the Marlaks. The purpose of this meeting was to meet [] and to acquaint him with the background of the case involving Subject and the Marlaks.

3. The time of the meeting was unfortunately awkward in that Subject had been prepared that evening to bring his wife home from a hospital with their new-born son. Subject subsequently explained that this would not have been possible since patients were not discharged after 5 p.m., and that he was, therefore, able to attend the meeting.

4. The undersigned started the meeting by informing Subject of the situation, i.e., that the Marlaks had requested of their O/O contact that they be paid the sum of \$1,800.00, being the travel fare incurred by them in making a trip to the Soviet Union and the Byelorussian SSR upon the request of Subject, for the U. S. Government. The Marlaks claim that Subject came to them (1958), ascertained that they were indeed going to the Soviet Union and the BSSR possibly in 1959, 1960, or later. The Marlaks claim that Subject induced them to make the trip in 1959, gave them tasks to accomplish such as making contacts with various people in the BSSR, taking photographs of Minsk, of railroads, of eliciting information about Radio Free Europe broadcasts, Radio Liberation broadcasts, et al. The Marlaks further claim that Subject stated that they, the Marlaks, would be reimbursed for their round trip fares and Mrs. Marlak's loss of salary. Upon their return from the trip abroad they were informed by Subject that there would be no reimbursement forthcoming for the reason that he, the Subject, had acted merely as a middle man and that the money was to come from the U.S. Government. Subject further stated in written correspondence to the Marlaks that he had acted in good faith but that the person with whom he had contact in the Government had not acted in good faith in that he did not provide the funds (\$1,800.00) in question.

5. Subject claims that he did not approach the Marlaks and induce them but that he learned that the Marlaks were making a trip abroad and that they came to him (he is President of the Byelorussian American Association) to learn the addresses or whereabouts of relatives and friends.

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Subject admits that he "asked them to do some things" because time for the Marlak departure was near and he feared that his contact (the undersigned) would not call him in time to tell him what the Marlaks were to do, while in the Soviet Union and the BSSR. Subject also admits he told the Marlaks that the travel fare and Mrs. Marlak's salary would be paid by his organization (the Byelorussian American Association) but that he did this because he did not want to disclose the Government as the source of the funds.

6. The undersigned wishes to state that he received the information of the Marlak trip from the Subject and at that time informed Subject that the information might or might not be used by the undersigned and any interest should not be mis-construed as being a commitment. (The undersigned had in mind transmittal of this lead to SR/10 as had been previously with other such operational leads). Subject wished to know what financial arrangement could be expected if the undersigned did use the Marlaks for some purpose or other. The undersigned stated that in all probability only the round trip fare of Mr. Marlak would be paid, approximately \$900.00 if Marlak was used. In a subsequent meeting with Subject, Subject asked if anything was to be done with the Marlaks. The undersigned stated nothing was planned at the moment but that the possibility always existed that they might be used. Subject stated that this was a wonderful opportunity to obtain information on the BSSR, particularly in that the Marlaks were planning to take color movie films of the country and that if the undersigned did not fund the trip that Subject would fund the trip from monies at his disposal in the Byelorussian American Association. (At another meeting Subject stated "funds at his disposal from the BAA"). In the early part of April 1959 the undersigned was informed by a representative of SR/10 that that branch was interested in the Marlaks only if they could be in Minsk, BSSR in time to photograph the 1 May celebration. Subject was contacted by telephone by the undersigned at which time Subject stated that the Marlaks were to visit him on 10 - 12 April 1959, and that he would learn what he could at that time. A subsequent contact with Subject disclosed that the Marlaks had arranged to leave the U.S. about 31 May or 1 June. It was at this time that Subject was informed that the Marlaks could not be used. Subject stated that this was difficult since the Marlaks had obtained passports, visas etc. The undersigned agreed that "it was tough" but that a commitment had never been made by him to the Subject. The undersigned pointed out that he had been led to believe that the Marlaks were going any way and in any event that Subject had stated on several occasions that he would off-set a portion of the expense himself from funds at his disposal. On 21 July 1959, Subject was again contacted by [] of SR/DOB and the undersigned for the purpose of terminating Subject's contract. Subject again brought up the payment of Marlak expenses, stating that Subject had received receipts in the amount of \$1,500.00 from the Marlaks. Subject was again informed by the undersigned that no commitment had ever been made or implied by the undersigned to pay the Marlaks for

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travel or expenses and that therefore could not and would not make such a commitment at that time. Subject stated that it seemed that he would then have to use his funds.

7. From the discussion during the meeting on 16 December 1959, the following is deduced by the undersigned:

- a. That the Marlaks may or may not be telling the whole truth.
- b. That Subject may or may not be telling the whole truth.
- c. That the Marlaks did make the trip to the Soviet Union.
- d. That contact by OO upon their return did lend credence to Subject's claim of Government sponsorship.
- e. That Subject did levy requirements upon the Marlaks (completely without any authority from the undersigned).
- f. That Subject did imply, state, or infer to the Marlaks that they would be reimbursed for a portion of their expenses. (Completely without any authority from the undersigned)
- g. That Subject levied requirements upon the Marlaks upon his own initiative for his own purpose or for the usage of the BNR.
- h. That the entire situation was a BNR operation with an attempt being made to force reimbursement from "rich uncle" rather than deplete the BNR coffers.

8. The solution arrived at is that Subject will contact the Marlaks during the Christmas holidays or else 1 - 2 January 1960, and make every effort to resolve this dilemma. (Subject signed a statement to this effect). Subject stated that he felt almost 100% sure that he could make an agreeable settlement with the Marlaks. Subject was ordered, if a settlement is reached, to obtain a statement from the Marlaks that they were satisfied and release the U.S. Government from all claims by them.

9. The meeting terminated with arrangements to be made by telephone for subsequent meeting.

10. It is unfortunate that OO, being completely innocent of any complicity should have been approached by the Marlaks for reimbursement.

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It is hoped, in this connection, that Subject will be successful in making proper restitution and thereby relieve OO and the Government of the onus of bad faith as implied by the Marlaks. It must be stated for the record that the OO Representative was completely sold on the creditability of the Marlaks and impressed with their innocence and sincerity and in finality stated his opinion that one way or another money would have to be passed to solve this problem thus enabling him to operate normally in the home city of the Marlaks as well as satisfying the Marlaks.

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